

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA,

v.

DEAUNDRE LAMAR COBB,

Defendant.

CRIMINAL ACTION NO.

3:21-cr-00340-TES-SMD

ORDER

Before the Court is the United States Magistrate Judge's Report and Recommendation ("R&R") (Doc. 51) on pro se Defendant Deaundre Lamar Cobb's Motion to Suppress (Doc. 26) and a Motion to Continue Trial (Doc 60).

After conducting an evidentiary hearing on the motion to suppress, the magistrate judge issued a R&R in which he recommends that Defendant Cobb's motion to suppress be denied in its entirety. (Doc. 51, p. 1); *see also* (Doc. 47). Defendant Cobb filed an Objection (Doc. 54) and a Supplemental Objection (Doc. 59) to the R&R; thus, the Court is obligated to "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection [has been] made." 28 U.S.C. § 636(b)(1)(C).

Upon review and consideration of the arguments contained in Defendant Cobb's motion to suppress as well as those in his Supplemental Motion to Suppress (Doc. 44)

and the Government's Response (Doc. 38), the United States Magistrate Judge's Report and Recommendation (Doc. 51) is due to be **ADOPTED** and **MADE THE ORDER OF THE COURT**. Accordingly, the Court **DENIES** Defendant Cobb's Motion to Suppress (Doc. 26).

The Court, however, **GRANTS** Defendant Cobb's Motion to Continue (Doc. 60) as the ends of justice served by continuing trial outweigh the best interest of the public and Defendant Cobb in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Thus, for good cause, the Court **CONTINUES** jury selection and trial for the above-captioned case from November 28, 2022, to the criminal term of court set to commence on February 6, 2023, at 10:00 a.m. in Opelika, Alabama. Failure to grant a continuance would likely "result in a miscarriage of justice," or "would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." *Id.* at § 3161(h)(7)(B)(i), (iv). All deadlines tied to the trial date are adjusted accordingly.

SO ORDERED, this 9th day of November, 2022.

S/ Tilman E. Self, III,
TILMAN E. SELF, III, JUDGE
UNITED STATES DISTRICT COURT